

## **REMARKS**

Applicants' representative would like to thank Examiner Jiang for the courtesies extended during an interview conducted on January 21, 2008. During the interview, Applicants' representative requested clarification of the rejection of Claims 39-49 and 51-56 under 35 U.S.C. § 251. The Examiner explained that the subject matter of Claims 39-49 and 51-56 contain subject matter improperly recovered from previous Applications Serial Nos. 09/524,364 and 09/886,592. The Examiner asserted that because the subject matter of Claims 39-49 and 51-56 was the subject matter of the aforementioned applications, Applicants cannot recapture the subject matter in the present reissue application. The cited art of record was not discussed. Furthermore, no exhibits were shown or demonstrations conducted.

Claims 2-5, 7-15, 22-24, 26-42, 44-49, and 51-56 are now pending in the application. By this paper, Claims 39 and 48 have been amended and Claims 43-47 and 51-54 have been cancelled without prejudice or disclaimer of the subject matter contained therein. The basis for the foregoing amendments can be found throughout the specification, claims, and drawings originally filed. No new matter has been added. The preceding amendments and the following remarks are believed to be fully responsive to the outstanding Office Action and are believed to place the application in condition for allowance. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

## **REISSUE OATH/DECLARATION**

The Examiner asserts that the oath/declaration filed with this application is defective for failing to identify at least one error which is relied upon to support the reissue application.

Applicants submit herewith a Supplemental Reissue Application Declaration by the Inventor (USPTO Form No. PTO/SB/51), as well as a Supplemental Declaration for Reissue Patent Application (USPTO Form No. PTO/SB/51S). The Reissue Application Declaration by the Inventor now states that the subject reissue application is a broadening reissue application and identifies independent Claim 1, as issued, as being too narrow. Specifically, lines 8 and 12 of independent Claim 1, as issued, are identified as reciting both a diagnostic module and an alert module. Independent Claim 15 is identified as correcting this error by reciting a “module” at line 5 rather than reciting both the diagnostic module and alert module. Applicants respectfully submit that the enclosed Reissue Application Declaration by the Inventor is in compliance with 37 CFR § 1.175(a)(1) and MPEP § 1414.

As noted above, Applicants also include herewith a Supplemental Declaration for Reissue Patent Application in compliance with 37 CFR § 1.173(b), as set forth in MPEP § 1414.01.

Applicants respectfully submit that the Reissue Application Declaration by the Inventor, as well as the Supplemental Declaration for Reissue Patent Application, render the above rejections moot.

### **REJECTION UNDER 35 U.S.C. § 251**

I. Claims 2-5, 7-15, 22-24, 26-49, and 51-56 stand rejected under 35 U.S.C. § 251 as being based upon a defective reissue oath/declaration.

II. Claims 39-49 and 51-56 stand rejected under 35 U.S.C. § 251 as being improperly recovered in a reissue application made from Applications Serial Nos. 09/524,364 and 09/886,592.

III. Claims 39-47 stand rejected under 35 U.S.C. § 251 as being improperly broadened in a reissue application made and sworn to by the assignee and not the patentee.

These rejections are respectfully traversed.

At the outset, Applicants respectfully submit that these rejections are moot with respect to Claims 43-47 and 51-54, as Claims 43-47 and 51-54 have been cancelled without prejudice or disclaimer of the subject matter contained therein. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

As indicated above, Applicants submit herewith a Reissue Application Declaration by the Inventor (USPTO Form No. PTO/SB/51) and a Supplemental Declaration for Reissue Patent Application (USPTO Form No. PTO/SB/51S). Applicants respectfully submit that the enclosed Declarations render Rejections I and III moot.

With regard to Rejection II, Applicants note that Claims 39-42, 48, 49, 55, and 56 have been amended to depend from independent Claim 15. As such, Applicants respectfully submit that these rejections are similarly moot.

While Applicants have amended Claims 39-42, 48, 49, 55, and 56 to depend from independent Claim 15, Applicants respectfully submit that the subject matter of Claim 39 is not found in either U.S. Applications Serial Nos. 09/524,364 or 09/886,592. Nevertheless, as indicated above, Applicants have amended independent Claim 39 to depend from independent Claim 15.


In light of the foregoing, Applicants respectfully submit that independent Claim 15, as well as Claims 2-5, 7-14, 22-24, 26-42, 44-49, and 51-56, dependent therefrom, are in condition for allowance. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

#### CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: March 10, 2008

By:   
Michael Malinzak, Reg. 43,770  
Matthew H. Szalach, Reg. 53,665

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600  
MM/MHS/ca